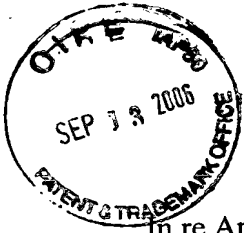


ATTORNEY DOCKET  
017575.0680 (TAMUS 1685)

PATENT APPLICATION  
USSN 09/870,144

1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Eva Sevick-Muraca, et al.  
Serial No.: 09/870,144  
Filing Date: May 30, 2001  
Confirmation No. 9131  
Art Unit No. 3737  
Examiner: W. C. Jung  
Title: *Imaging of Light Scattering Tissues with Fluorescent Contrast Agents*

**Mail Stop: Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

09/13/2006 KVVJUNG1 00000005 020304 09870144

01 FC:1605 100.00 DA  
Dear Sir:

**Information Disclosure Statement**

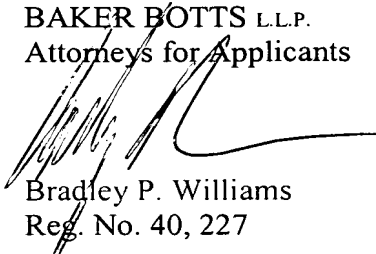
Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. No representation is made that a search has been made, that these references are material to the patentability of the present invention, or that these references qualify as prior art.

Pursuant to the changes to C.F.R. §1.98(a)(2) set forth in 69 FR 56481 and effective October 21, 2004, copies of U.S. patents and U.S. patent application publications have not been provided.

The first Office Action has been received by the Applicants in the above identified patent application. The Commissioner is authorized to charge \$180.00 and any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicants

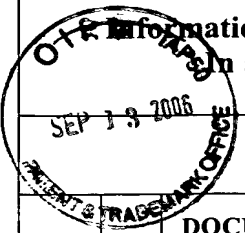


Bradley P. Williams  
Reg. No. 40, 227

Date: September 13, 2006

**Correspondence address:**

Customer Number: **05073**

PTO-1449		Application No. 09/870,144		Applicant(s) Eva M. Sevick-Muraca, et al.	
 <b>Information Disclosure Citation in an Application</b>		Docket Number 017575.0680 (TAMUS 1685)		Group Art Unit 3768	
				Filing Date May 30, 2001	

## U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,917,190	6/29/1999	Yodh, et al.	250	458.1	7/25/1996
	B	6,480,276	11/2002	Jiang, Huabei	356	336	
	C	5,424,843	06/1995	Tromberg et al.	356	442	
	D	5,190,729	03/02/93	Hauenstein, et al.			
	E	5,736,410	04/07/98	Zarling, et al.			
	F	6,271,522	08/07/01	Lindermeir, et al.	250	341.1	05/17/99

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	G	WO 02/41760 A2	05/30/2000	PCT	A 61 B		X	
	H	GB 2311366A	03/19/1996	UK	G01N 21/49	A61B 5/00	X	
	I	WO 00/22414	10/08/1999	WO	G01N	21/00	X	
	J	EP 0 959 341 A1	11/24/1999	EPO	G01N	21/25		X
	K	WO 99/49312	03/23/1999	PCT	G01N	33/15	X	
	L	WO 01/22063 A1	09/18/2000	PCT	G01N	21/35	X	
	M							
	N							

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	O	Sevick-Muraca, et al.; "Method and System for Detecting Sentinel Lymph Nodes;" Patent Application 10/618194; Attorney Docket Number 017575.0700; 28 pgs	July 11, 2003
	P	Sevick-Muraca, et al.; "Method for Characterizing Particles in Suspension from Frequency Domain Photon Migration Measurements" Patent Application 10/115271; Attorney docket number 017575.0702; 59 pgs	April 3, 2002
	Q	Sevick-Muraca, et al.; <u>Characterizing Powders Using Frequency-Domain Photon Migration</u> ; U.S. Publication No.: 2003/0117622; Attorney docket number 017575.0701; 22 pgs	October 21, 2002
	R	Sevick-Muraca, et al.; <u>Method for Characterizing Particles in Suspension from Frequency Domain Photon Migration Measurements</u> ; U.S. Publication No.: 2005/0073681; Attorney docket number 017575.0877; 34 pgs	April 3, 2002
	S	Sevick-Muraca, et al.; <u>Method for Characterizing Particles in Suspension from Frequency Domain Photon Migration Measurements</u> ; Patent Application 11/204,844; Attorney Docket Number 017575.1079; 59 pgs	August 16, 2005

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

PTO-1449  <b>Information Disclosure Citation In an Application</b>	Application No. 09/870,144		Applicant(s) Eva M. Sevick-Muraca, et al.	
	Docket Number 017575.0680 (TAMUS 1685)	Group Art Unit 3768	Filing Date May 30, 2001	

## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A						

## FOREIGN PATENT DOCUMENTS


	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
B	Reynolds, et al., "Imaging of Spontaneous Canine Mammary Tumors Using Fluorescent Contrast Agents", Photochemistry and Photobiology, 1999: 70(1): 87-94 (XP-001063376)					April 14, 1999
C	Gurfinkel, et al., "Pharmacokinetics of ICG and HPPH-car for the Detection of Normal and Tumor Tissue Using Fluorescence, Near-infrared Reflectance Imaging: A Case Study", Photochemistry and Photobiology, 2000: 72(1): 94-102 (XP-001030699)					April 28, 2000
D	Thompson, et al., "Near-infrared fluorescence contrast-enhanced imaging with intensified charge-coupled device homodyne detection: measurement precision and accuracy", Journal of Biomedical Optics, 2003: 8(1): 111-120 (XP-002301882)klj					Jan. 2003
E	Gratton, et al., <i>A Continuously Variable Frequency Cross-Correlation Phase Fluorometer with Picosecond Resolution</i> , © Biophysical Society, Biophysical Journal, Volume 44, pages 315-324.					12/1983
F	Gratton, et al., <i>The possibility of a near-infrared optical imaging system using frequency domain methods</i> , Mind Brain Imaging Program, Hamamatsu, Japan, pages 183-189.					08/05-10/1990
G	Sevick, et al., <i>Quantitation of Time-and Frequency-Resolved Optical Spectra for the Determination of Tissue Oxygenation</i> , ANALYTICAL BIOCHEMISTRY 195, © 1991 Academic Press Inc., pages 330-351.					1991
H	Fishkin, et al., <i>Propagation of photon-density waves in strongly scattering media containing an absorbing semi-infinite plane bounded by a straight edge</i> , Vol. 10, No. 1, © 1993 Optical Society of America, pages 127-140.					01/1993
I	Tromberg, et al., <i>Properties of photon density waves in multiple-scattering media</i> , Vol. 32, No. 4, <i>Applied Optics</i> , pages 607-616.					02/01/1993
J	Madsen, et al., <i>Determination of the optical properties of the human uterus using frequency-domain photon migration and steady-state techniques</i> , Phys. Med. Biol. 39, © 1994 IOP Publishing Ltd., pages 1191-1202.					1994
K	Fantini, et al., <i>Quantitative determination of the absorption spectra of chromophores in strongly scattering media: a light-emitting-diode based technique</i> , APPLIED OPTICS, Vol. 33, No. 22, pages 5204-5213.					08/01/1994
L	Fishkin, et al., <i>Frequency-domain method for measuring spectral properties in multiple-scattering media: methemoglobin absorption spectrum in a tissuelike phantom</i> , APPLIED OPTICS, Vol. 34, No. 7, pages 1143-1155.					03/01/1995
M	Pham, et al., <i>Broad bandwidth frequency domain instrument for quantitative tissue optical spectroscopy</i> , REVIEW OF SCIENTIFIC INSTRUMENTS, Volume 71, Number 6, © 2000 American Institute of Physics, pages 2500-2513.					06/2000
N	Hawrysz, et al., <i>Developments Toward Diagnostic Breast Cancer Imaging Using Near-Infrared Optical Measurements and Fluorescent Contrast Agents</i> <sup>1</sup> , Review Article, Neoplasia, Vol. 2, No. 5, © 2000 Nature America, Inc., pages 388-417.					09-10/2000

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

PTO-1449		Application No. 09/870,144	Applicant(s) Eva M. Sevick-Muraca, et al.	
		Docket Number 017575.0680 (TAMUS 1685)	Group Art Unit 3768	Filing Date May 30, 2001

**Information Disclosure Citation  
In an Application**

**U.S. PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
	A	Tromberg, et al., <i>Non-invasive measurements of breast tissue optical properties using frequency-domain photon migration</i> , Phil. Trans. R. Soc. Lond. B, © 1997 The Royal Society, pages 661-668.					1997
	B	Muzzio, et al., <i>Sampling practices in powder blending</i> , Research papers, International Journal of Pharmaceutics 155, © 1997 Elsevier Science B.V., pages 153-178.					1997
	C	Fishkin, et al., <i>Frequency-domain photon migration measurements of normal and malignant tissue optical properties in a human subject</i> , APPLIED OPTICS, Vol. 36, No. 1, pages 10-20.					01/01/1997
	D	Sevick-Muraca, et al., <i>Photon-Migration Measurement of Latex Size Distribution in Concentrated Suspensions</i> , Particle Technology and Fluidization, AIChE Journal, Vol. 43, No. 3, pages 655-664.					03/1997
	E	Richter, et al., <i>Particle Sizing Using Frequency Domain Photon Migration</i> , Part. Part. Syst. Charact. 15, © WILEY-VCH Verlag GmbH, D-69469 Weinheim, pages 9-15.					1998
	F	Ramanujam, et al., <i>Sources of phase noise in homodyne and heterodyne phase modulation devices used for tissue oximetry studies</i> , REVIEW OF SCIENTIFIC INSTRUMENTS, Volume 69, Number 8, © 1998 American Institute of Physics, pages 3042-3054.					08/1998
	G	Chance, et al., Review Article, <i>Phase measurement of light absorption and scatter in human tissue</i> , REVIEW OF SCIENTIFIC INSTRUMENTS, Volume 69, Number 10, © 1998 American Institute of Physics, pages 3457-3481.					10/1998
	H	Banerjee, et al., <i>Probing Static Structure of Colloid-Polymer Suspensions with Multiply Scattered Light</i> , Journal of Colloid and Interface Science 209, © 1999 by Academic Press, pages 142-153.					1999
	I	Shinde, et al., <i>Investigation of static structure factor in dense suspensions by use of multiply scattered light</i> , APPLIED OPTICS, Vol. 38, No. 1, © 1999 Optical Society of America, pages 197-204.					01/01/1999
	J	Gerken, et al., <i>High-precision frequency-domain measurements of the optical properties of turbid media</i> , OPTICS LETTERS, Vol. 24, No. 14, © 1999 Optical Society of America, pages 930-932.					07/15/1999
	K	Shinde, et al., <i>Frequency-Domain Photon Migration Measurements for Quantitative Assessment of Powder Absorbance: A Novel Sensor of Blend Homogeneity</i> , Research Articles, © 1999 American Chemical Society and American Pharmaceutical Association, Journal of Pharmaceutical Sciences, Vol. 88, No. 10, pgs. 959-966.					10/1999
	L	Banerjee, et al., <i>Assessment of <math>S(0, \theta)</math> from multiply scattered light</i> , JOURNAL OF CHEMICAL PHYSICS, Volume 111, Number 20, © 1999 American Institute of Physics, pages 9133-9136.					11/22/1999
	M	Sun, et al., <i>"Particle Characterization of Colloidal Suspension at High Volume Fractions Using Frequency Domain Photon Migration,"</i> 6th World Congress of Chemical Engineering, Melbourne 2001, pp. 4/15-12/15.					2001
	N	Sun, et al., <i>"Inversion Algorithms for Particle Sizing with Photon Migration Measurements,"</i> Fluid Mechanics and Transport Phenomena, AIChE Journal, Vol. 47, No. 7, pp. 1487-1498.					July 2001
	O	Hutchinson, Christina L., et al., <i>"Fluorescence-Lifetime Determination in Tissues or Other Scattering Media from Measurement of Excitation and Emission Kinetics"</i> , Applied Optics, Vol. 35, No. 13, pp. 2325-2332.					1 May 1996

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

PTO-1449

Application No.  
09/870,144Applicant(s)  
Eva M. Sevick-Muraca, et al.

**Information Disclosure Citation  
In an Application**

Docket Number  
017575.0680  
(TAMUS 1685)Group Art Unit  
3768Filing Date  
May 30, 2001

**U.S. PATENT DOCUMENTS**

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A						
	<b>DOCUMENT (Including Author, Title, Source, and Pertinent Pages)</b>					<b>DATE</b>
B	Sun, et al., "Approach for Particle Sizing in Dense Polydisperse Colloidal Suspension Using Multiple Scattered Light," XP-001126299, Langmuir 2001, 17, 2001 American Chemical Society, pp. 6142-6147.					09/08/2001
C	Isayev, K, et al., "Study of Thermophysical Properties of a Metal-Hydrogen System," International Journal of Hydrogen Energy, Vol. 21, No. 11-12, November 12, 1996, pp. 1129-1132.					11/12/1996
D	Panda, et al., "Generalized B-Spline Signal Processing," European Journal Devoted to the Methods and Applications of Signal Processing, Elsevier Science Publishers, B.V. Amsterdam, NL, Vol. 55, No. 1, November 1, 1996 XP004016005, pp. 1-14.					11/01/1996
E	PCT Invitation to Pay Additional Fees (PCT Article 17(3)(a) and Rule 40.1), Annex to Form PCT/ISA/206 Communication Regarding to the Results of the Partial International Search Authority, regarding PCT/US02/10433, filed 04/03/2002, Applicant's reference 017575.0748, 6 pages.					11/29/2002
F	PCT International Search Report in International Application No. 02/10433, dated June 16, 2003, 10 pages					06/16/03
G	Thompson, et al., "Near-infrared fluorescence contrast-enhanced imaging with area illumination and area detection: the forward imaging problem", Applied Optics, 2003: 42(19): 4125-4136 (XP-002301883)					July 1, 2003
H	Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority for International Application No. PCT/US2004/019792, filed June 18, 2004 (14 pages)					Nov. 8, 2004
I	Houston, et al., "Sensitivity and Depth Penetration of Continuous Wave Versus Frequency-domain Photon Migration Near-infrared Fluorescence Contrast-enhanced Imaging," Photochemistry and Photobiology, 2003, Vol. 77(4), pp 420-430.					2003
J	Ntziachristos, et al. "In Vivo Tomographic Imaging of Near-Infrared Fluorescent Probes," Molecular Imaging, Vol. 1(2), pp 82-88.					April 2002
K	Pan, et al., Volume of Pharmaceutical Powders Probed by Frequency-Domain Photon Migration Measurements of Multiply Scattered Light, Analytical Chemistry 2002, Vol. 74, No. 16, © 2002 American Chemical Society, pages 4228-4234.					08/15/2002
L	Richter, et al., Characterization of concentrated colloidal suspensions using time-dependent photon migration measurements, Reprinted from Colloids And Surfaces An International Journal, A: Physicochemical and Engineering Aspects, © 2000 Elsevier Science B.V., pages 163-173, plus cover.					
M	PCT Patent Application No. PCT/US99/23709 filed October 8, 1999, entitled "Characterization of Luminescence in a Scattering Medium," currently pending (Attorney Docket No. 017575.0696)					
N	Mayer, Ralf H., et al., "Measurement of the Fluorescence Lifetime in Scattering Media by Frequency-Domain Photon Migration", Applied Optics, Vol. 38, No. 22, , pp. 4930-4938.					1 August 1999
O	Cerussi, Albert E., et al., "Experimental Verification of a Theory for the Time-Resolved Fluorescence Spectroscopy of Thick Tissues", Applied Optics, Vol. 36, No.1, , pp. 116-124.					1 January 1997
EXAMINER				DATE CONSIDERED		

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

U.S. PATENT AND TRADEMARK OFFICE

DAL01:922727.1